

Message

From: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
Sent: 4/24/2020 7:17:44 PM
To: Ross, David P [ross.davidp@epa.gov]
CC: McDavit, Michael W. [Mcdavit.Michael@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Hurlid, Kathy [Hurlid.Kathy@epa.gov]; McDonough, Owen [mcdonough.owen@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Aguirre, Janita [Aguirre.Janita@epa.gov]; Santell, Stephanie [Santell.Stephanie@epa.gov]
Subject: latest draft of FL MOA
Attachments: Draft CWA 404g MOA Between DA and FL DEP 03052019 .docx

DELIBERATIVE

Hi Dave,

As you requested when we met on Wednesday, attached is the latest draft of the FL MOA with the Corps. The state and Corps are not on the same page with all of it so this reflects the state language. Also, just wanted to flag that regarding mitigation (and some differences we envision for the mitigation rule and 404g rules), FL has no plans at this time to approve mitigation banks or in-lieu-fee programs/instruments for 404 purposes. FL does have state banks and an in-lieu-fee program for their ERP permits. This construct in FL is because FL already sits on Corps IRTs (not true for all states, but is not currently a co-chair), banks don't want the market flooded with state 404 banks and Corps banks, and the District is saying they have no authority to allow their permittees to purchase credits from state banks and the Corps did not approve them.

Please let us know if you have any questions.

Thanks,
Mindy

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